



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
www.uspto.gov

Patent Legal Staff  
Eastman Kodak Company  
343 State Street  
Rochester, NY 14650-2201

*HR*  
**MAILED**

OCT 03 2003

DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 3600

In re application of  
Dale F. McIntyre, et al  
Application No. 09/451,315  
Filed: November 30, 1999  
For: COMPUTER SOFTWARE PRODUCT  
AND SYSTEM FOR ADVERTISING  
BUSINESS AND SERVICES

: DECISION ON PETITION  
: FOR EXTENSION OF  
: TIME UNDER 37 CFR 1.136(b)

This is in response to the petition filed on August 29, 2003 for a one day extension of time under 37 CFR 1.136(b).

The petition is **DENIED**.

The requirements for granting a request for an extension of time under 37 CFR 1.136(b) are: (A) the provisions of 37 CFR 1.136(a) must not be available; (B) sufficient cause must be shown and a reasonable time to be extended specified; (C) the request must be filed on or before the day on which such a reply is due; and (D) must not attempt to extend a time period: (a) set in a Notice of Allowability, (b) to submit an oath or declaration in compliance with 37 CFR 1.63, (c) to submit formal drawings, or (d) to make a deposit of biological material. Furthermore, in no situation can any extension carry the date on which the reply is due beyond the maximum time period set by statute.

The petition lacks the requirements of item (C) above. A review of the file reveals that an Examiner's Answer was mailed on June 26, 2003. Therefore, the Reply Brief was due on August 26, 2003. Since the petition for extension of time was filed on August 29, 2003 (bearing a Certificate of Mailing of August 27, 2003), it was filed one day late. Therefore, the petition is untimely and will not be granted.

Petitioner may wish to consider filing a petition under 37 CFR 1.183 to waive the rule. Petitions filed under 37 CFR 1.183 must be accompanied by a petition fee of \$130.00.

Inquiries related to this decision may be directed to Special Programs Examiner  
Kenneth J. Dorner at (703) 308-0866

**SUMMARY:** Petition for extension of time under 37 CFR 1.136(b) is **DENIED**.

  
John J. Love, Director  
Patent Technology Center 3600  
(703) 308-1020

 kjd:kjd 10/1/03